THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.34866 OF 1997

DATE: 28-3-2007

Between:

K.Yesubabu ..... Petitioner

And

1. A.P. State Road Transport Corporation
rep. By its Regional Manager, Guntur
and another .... Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.34866 OF 1997

ORDER:

Aggrieved by the action of the 2nd respondent, in not sponsoring his name for any suitable post in the respondent – corporation in Guntur District, as arbitrary and illegal, the present writ petition is filed.

The petitioner underwent apprenticeship at the Zonal Staff Training College, Vijayawada and was issued a provisional certificate of his having undergone apprenticeship under the Apprentice Act, 1961 at A.P.S.R.T.C. Bus Depot, Guntur and to have passed the trade test, in the Motor Mechanic trade, held in the month of April, 1986.

The respondent – corporation invited applications from local candidates of Guntur District for the post of Cleaner. Applications were invited from those who had completed their apprenticeship in A.P.S.R.T.C. A list of 780 apprentices was forwarded by the Principal, Zonal Staff Training College, and after scrutiny, the Corporation sent letters to 238 candidates requesting them to send their bio-data particulars from amongst whom only 80 candidates sent their bio-data and from out of these 80 candidates only 44 candidates were found eligible. Petitioner submitted his application, along with the necessary certificates, for being considered for appointment to the post of Cleaner. According to the respondent, the requirements to be considered for the post of Cleaner, under direct recruitment quota, was that the candidate should be a resident of Guntur District, must have undergone apprenticeship training, must have completed 18 years and must be below 30 years of age with 5 years age relaxation being extended in favour of the Backward Class, Scheduled Castes and

the Scheduled Tribe candidates. It is stated that the petitioner had submitted his residence certificate to the effect that he was a resident of Manikonda Village in Krishna District. On the ground that he was not a resident of Guntur District he was held not eligible to be appointed to the post of Cleaner.

It is necessary to note that the conditions stipulated in the advertisement, whereby applications were invited from local candidates of Guntur District, are not under challenge nor is the prescription of residence in Guntur as a pre-requisite for being considered for appointment to the post of Cleaner questioned in this writ petition. As such the validity of the conditions stipulated in the advertisement do not necessitate examination and the only question which requires to be considered is as to whether the petitioner has satisfied the conditions stipulated in the advertisement. Since the advertisement prescribes, among other requisites, residence in Guntur District and in as much as the petitioner admittedly is a resident of Manikonda Village of Krishna District, he was rightly held as not entitled to be considered for appointment to the post of Cleaner in Guntur District. The action of the respondents, in not considering the case of the petitioner for appointment as a Cleaner in Guntur District, cannot, therefore, be faulted.

The writ petition fails and is accordingly dismissed. No order as to costs.

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28-3-2007

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